

From: Steve Stone
To: Microsoft ATR
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Subject: Microsoft Settlement

To whom it may concern,

As a citizen and a knowledgeable computer professional, it is both my right and responsibility to comment on the proposed settlement in the Microsoft antitrust case. The proposed settlement is wholly unsatisfying.

First, the settlement's contents fail to punish or repair the damages, if that were even possible, caused by Microsoft's years of abuse and illegal conduct. It seems not to even attempt any punitive or reparative measures. This is unacceptable.

Second, the settlement's attempts to prevent further abuses, while laudable in purpose, are woefully inadequate. First of all, it essentially lists a prohibition of specific future actions. These prohibited future actions are at best too limited, and at worst very ill defined. Microsoft has proved deft in the past at slipping along the narrow edge of legality, often finding loopholes in laws that were constructed too weakly or find themselves too out of date to really fit the regulation of a software company. Many of the loopholes are so obvious that it is clear even now how Microsoft will navigate them.

The combination of these factors leads to one inevitable conclusion. Microsoft WILL continue to act anticompetitively. It is obvious first of all because no serious impediments have been placed in their way.

Second of all, even if serious steps were taken to limit Microsoft's ability to act anticompetitively, they would disregard the law, as they have in the past. By failing to adequately punish Microsoft's prior transgressions, the justice system has delivered them the message that they can act in blatant disregard to the law and the public interest without reprisal.

It is also important to consider how this affects the national public good.

The arguments to the effect that Microsoft's stranglehold on various sectors of the software market impede general progress have been stated so many times that they may seem to lose meaning, but they are nonetheless valid and important.

It also goes without saying that it is in the public interest for the justice system to present the image of dealing justice. It is necessary to be seen punishing wrong-doers and helping the victimized. Any time that the justice system is seen publicly failing to deal fairly, it damages the nation.

One other point of extremely important note is the impact of this settlement on the nation's critical infrastructure. For obvious reasons, the nation has taken an interest in protecting such vital technological infrastructure as the roads, the railroads, seaports and airports, the electric power grid, the phone system, and, recently, the internet. One of the most frightening abilities that Microsoft possesses, and has demonstrated, is the ability to use its influence over one market to gain control of another only loosely related market. Currently many of Microsoft's very flawed technologies are spreading like a cancer into

the internet. Recent events have showed an alarming potential for damage to the internet by such a trend. One rogue computer could never hope to bring the internet to its knees, to do such a thing would require a massive coordinated attack from such a large number of computers as to represent a significant fraction of the internet as a whole. Microsoft's software is and always has been weak and insecure. The potential damage that could be caused by a massive attack from countless compromised Microsoft Windows computers is horrifying. Take, for example, the recent CodeRed2 virus. This virus was designed to attack a weakness in Microsoft web servers and, after siezing control of the host computer, launch the attack again from the victimized computer. Fortunately, any computer not running a microsoft webserver was imune to such an attack. Imagine, however, that the virus had been made not to only re-attack Microsoft web servers, but rather to have halted the internet as a whole. As I stated before, it is possible for an extremely large number of computers working in concert to effectively hold the internet hostage. Can you imagine if a relatively simple but malignant virus, using every windows computer on the internet as its base of attack, litteraly stopped the internet? Allowing Microsoft to leverage control of the pc market to gain market control of the internet as a whole would be a disaster to our nation's critical infrastructure. It is also one of Microsoft's current strategic goals. We cannot allow them to achieve it.

In summary, the judgement must be more punitive, and the judgement must do a better job of preventing Microsoft's continued trampling of fair business tactics.

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